IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 7530 of 2005

Between:

Jekka Rajya Lakshmi, W/o Naga Raj,
R/o D.No. 16-9-798, Race Course Road, Hyderabad.

..... PETITIONER

AND

1 The Chief Rationing Officer, Begumpet, Hyderabad.
2 The District Supply Officer, (City-Hyderabad), C.R.O. Complex, S.P. Road, Secunderabad.
3 Sri Ramavatara Govind Naik, S/o Bade Naik, R/o Old Malakpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs particularly one in the nature of Writ of Mandamus declaring the action of the respondents in allowing the 3rd respondent as fair price shop dealer in respect of shop No.134 in Circle No.I of Hyderabad & Secunderabad twin cities, as illegal, arbitrary, violative of Article 21 of the Constitution of India and against the provisions of the A.P. Scheduled Commodities, Regulation of Distribution by Card Systems Order and against the guidelines issued by Government from time to time and consequently direct the respondent to appoint the petitioner as fair price shop dealer for shop NO.134 in Circle No.I or any other shop which are meant for allotment of ST candidate and to pass such other orders in the interest of justice.

Counsel for the Petitioner:MR.K.L.N.SWAMY

Counsel for the Respondent 1 and 2: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed to declare the action of the respondents 1 and 2 in selecting the 3rd respondent as fair price shop dealer in respect of shop No.134 in Circle No.I of Hyderabad & Secunderabad twin cities, as illegal, arbitrary and violation of Article 21 of the Constitution of India and consequently to direct the respondents 1 and 2 to appoint the petitioner as fair price shop dealer for the above said shop or any other shop which is meant for allotment to ST candidates.

Petitioner claims that she belongs to ST category and possesses the qualifications of SSC and ITI in Secretarial practice and also passed Type Writing in Telugu and registered her name in the employment exchange. Pursuant to the notification issued by the 2nd respondent for appointment of fair price shop dealer, she applied for the same in respect of shop No.134 in Circle No.I, Hyderabad & Secunderabad twin cities. It is stated that the authority has provisionally selected the 3rd respondent as fair price shop dealer in respect of the above said shop, even though the 3rd respondent is running another fair price shop No.124 in the same circle, which is a disqualification for being considered as fair price shop dealer. It is further stated that as per the provisions of the A.P. Schedule Commodities (Regulation of Distribution by Card System) Order and Guidelines issued by the Government in G.O.Ms.No.53, Food & Agriculture (CS-II) Department, dated 06.10.2003, the 2nd respondent ought to have appointed the petitioner as fair price shop dealer, who is an un-employee, in respect of the above said shop. The grievance of the petitioner is that though she preferred an appeal under Section 17 of the A.P.Schedule

Commodities (Regulation of Distribution by Card System) orders, before the 1st respondent, against the provisional selection of the 3rd respondent as fair price shop dealer, in respect of shop No.134 in Circle No.I of Hyderabad and Secunderabad twin cities, no orders have been passed by the 1st respondent so far.

Though it is alleged that the 3rd respondent was provisionally selected, copy of the same was not placed for consideration of this Court in this writ petition. However, since the appeal is pending before the 1st respondent, I deem it appropriate to direct the 1st respondent to dispose of the appeal in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

20.04.2005

TS

To

1 The Chief Rationing Officer, Begumpet, Hyderabad.
2 The District Supply Officer, (City-Hyderabad), C.R.O. Complex, S.P. Road, Secunderabad.
3 2 CCs to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad (OUT).

4 2 CD copies.